

REMARKS

Reconsideration is respectfully requested in light of the arguments presented below. Upon entry of this amendment, claims 1-6 are pending. The listing of claims is provided as a courtesy to the Examiner. No claims are amended herein.

Rejection under 35 U.S.C. § 112

Claims 1-6 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner contends that the claims contain subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner further asserts that Applicant's demonstration that metal hydroxides with the claimed amount of Na_2O are commercially available under the tradename HIGILITE (submitted as Exhibits I and II in an August 20, 2009 Response to Office Action) is not persuasive as the Exhibits fail to provide a publication date.

The rejection is traversed, and reconsideration is respectfully requested. Applicant hereby resubmits the HIGILITE catalog (attached as Exhibit 1), as well as an enlarged copy (attached as Exhibit 2) of the back cover of the catalog. The back cover clearly shows that the publication date of the catalog is May 20, 1992, which is before the application filing date of September 30, 2005.

Applicant incorporates by reference the arguments presented in the August 20, 2009 response. Briefly, the Table provided at p. 4 of Exhibit 1 shows the amount of w- Na_2O (in % by weight) that is present in **commercially available** HIGILITE™ aluminum hydroxide products (produced from bauxite) (*see* row entitled "w- Na_2O " of Table on page 4 of Exhibit 1, which row Applicant has marked with an arrow labeled "w- Na_2O "). Thus, aluminum hydroxide products from SHOWA DENKO K.K. contain w- Na_2O in amounts ranging from 0.03 to 0.13 (in % by weight). Given the foregoing, the pending claims are not indefinite and are enabled. Therefore, Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered, and that the pending claims be allowed and the case passed to issue.

If there are any other issues remaining that the Examiner believes can be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: March 16, 2010

Respectfully submitted,

By 

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ATTACHMENTS